

UNITED STATES DISTRICT COURT  
for the  
Western District of Texas

United States of America

v.

Matthew Nelson Tunstall

Date of Original Judgment: 04/24/2023

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Case No: 1:21-cr-00223-RP-1

USM No: 73685-509

Pro Se

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_ .  
(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Defendant is not eligible under Part A of Amendment 821 because status points were not assessed in this case.

Defendant is not eligible under Part B of Amendment 821 because Defendant received an adjustment under §3B1.1 (Aggravating Role) and was engaged in a continuing criminal enterprise, as defined in 21 U.S.C. § 848. USSG §4C1.1(a)(10).

To the extent Defendant may also be seeking relief under the First Step Act, his request is denied. The Court finds Defendant's circumstances are not compelling or extraordinary and the 3553(a) factors do not support an early release. Moreover, Defendant fails to allege he exhausted his administrative remedies prior to filing his motion. Exhaustion is mandatory.

Except as otherwise provided, all provisions of the judgment dated 04/24/2023 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 02/08/2024



*Judge's signature*

Effective Date: \_\_\_\_\_  
(if different from order date)

Robert Pitman, U.S. District Judge

*Printed name and title*